

Patterson Belknap Webb & Tyler LLP

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June 7, 2006

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Filed Electronically

Honorable Gustave J. DiBianco
United States Magistrate Judge
United States Courthouse
PO Box 7396
100 South Clinton Street
Syracuse, New York 13261

Re: Haritatos v. Hasbro, Inc. and Toy 'R Us-NY LLC,
Civil Action 05-CV-930

Dear Judge DiBianco:

We are counsel for defendant Hasbro, Inc. ("Hasbro") and write in response to Mr. Purcell's letter to the Court dated June 2, 2006. The letter shows that Mr. Purcell has not heeded this Court's admonition at the last conference to "cooperate and act in good faith regarding any discovery dispute and to avoid trivial disputes which simply create unnecessary work since they do not involve significant issues." (Transcript of March 28, 2006 Telephone Conference, at 23:24-24:2.)

Mr. Purcell complains about an alleged failure to provide information about a former employee named Pat Schmidt, who, as we stated in response to an interrogatory, was Vice President, Consumer Products, for the Hasbro Property Group from 1989-2004. The interrogatory response was timely served over six months ago, on November 22, 2005. If the information were deficient or her deposition were important to plaintiff, there was no need to wait over six months to complain.

Mr. Purcell asked Hasbro's counsel for Ms. Schmidt's last-known address, and we promptly provided it. (See Exhibit A.) Mr. Purcell says that his Mapquest search "found that no such address exists," but that is clearly wrong, as shown by the attached Mapquest search we performed for 20 Mesa Dr. in North Kingstowne, RI. (See Exhibit B.). We contacted Ms. Schmidt to confirm the accuracy of her address, and it is indeed accurate. Moreover, since she has asked us to represent her for purposes of the deposition, which we have communicated to Mr. Purcell, the rules of ethics prohibit him from talking to her about the deposition or any issues in this action.

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Mr. Purcell complains that Hasbro's Initial Disclosures did not identify Ms. Schmidt as an "individual likely to have discoverable information that Hasbro may use to support its claims." She is not. Hasbro did not identify Ms. Schmidt in its initial disclosures because it did not anticipate using her as a witness to support its claims. Indeed she has no information relevant to this proceeding that other Hasbro witnesses do not possess.

Finally, Mr. Purcell complains about a delay in paying an additional day's witness fee and mileage fees for the depositions of Mr. Haritatos' wife and aunt. To call this silly would be an understatement. We told him that the checks were in process. The initial check cut to Olga Haritatos was incorrect and had to be re-processed. Surely, there is no dire need for them that would require bothering this Court for such a trivial matter. Moreover, the checks (for \$92 and \$16) were delivered to Mr. Purcell by overnight courier on June 5th. (See Exhibit C.)

As this shows, Mr. Purcell's letter is just one more attempt to burden us and the Court with unnecessary trivialities and, in the case of Ms. Schmidt's allegedly inaccurate address, to blame Hasbro for his own inadequacies.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kim J. Landsman", with a long, sweeping horizontal line extending to the right.

Kim J. Landsman

Enclosures

cc: Robert E. Purcell, Esq. (email without enclosures)
John G. McGowan, Esq. (email without enclosures)

Exhibit A

Sant'Ambrogio, Michael (x2436)

From: Sant'Ambrogio, Michael (x2436)
Sent: Thursday, May 25, 2006 4:03 PM
To: 'Robert Purcell'
Cc: 'McGowan, John'
Subject: RE: Haritatos v. Hasbro

Bob,

As a matter of courtesy, we are providing you with the addresses below. But Hasbro does not waive any objections to these depositions as untimely or otherwise inappropriate.

Amy Scaramella
10 Lakeview Avenue
Lincoln, RI 02865.

Pat Schmidt
20 Mesa Dr.
N. Kingstown, RI 02852

Lee McLaughlin
72 Scotland St.
Hingham, MA 02043

I should have the additional witness fees you requested shortly.

Regards,

Michael D. Sant'Ambrogio
Patterson Belknap Webb & Tyler LLP
1133 Avenue of the Americas
New York, NY 10036-6710
tel: 212-336-2436
fax: 212-336-7948
mdsantambrogio@pbwt.com

-----Original Message-----

From: Robert Purcell [mailto:rpurcell@wallmarjama.com]
Sent: Wednesday, May 24, 2006 5:07 PM
To: Sant'Ambrogio, Michael (x2436)
Subject: Haritatos v. Hasbro

Michael:

A couple of things.

First, will you please let me know when I should expect to receive the checks that you promised to send to me for the additional day witness fee for Sharon Haritatos and the mileage fees for Sharon Haritatos (2 days, one for 90 miles round trip and the other for 40 miles round trip) and Olga Haritatos (1 day at 40 miles round trip).

6/5/2006

Second, I am preparing notices of depositions for Lee McLaughlin, Pat Schmidt, and Amy Scaramella. I understand from Hasbro's interrogatory responses that Mr. McLaughlin and Ms. Schmidt no longer work for Hasbro, however, Hasbro's responses did not give a current address or telephone number for either of them (even though the definitions section of the interrogatories requested such identifying information). The interrogatory responses do not even mention Ms. Scaramella, and Hasbro's amended initial disclosures do not mention any of the three. Will you please also provide me Ms. Scaramella's address and telephone number. I ask that you respond to my request for the foregoing information BY TOMORROW, so that I can prepare any necessary subpoenas and coordinate the depositions before the Memorial day weekend.

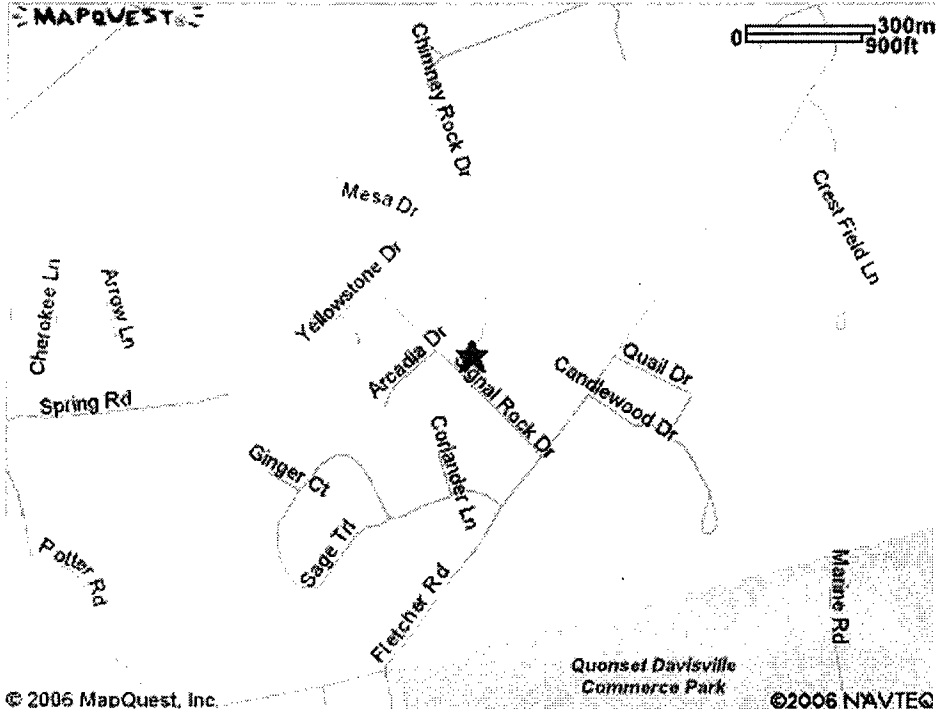
Robert E. Purcell
Wall Marjama & Bilinski, LLP
101 South Salina Street - Suite 400
Syracuse, New York 13202
Phone: 315-425-9000
Facsimile: 315-425-9114
rpurcell@wallmarjama.com

Exhibit B

MAPQUEST.

★ 20 Mesa Dr

North Kingstown, RI 02852-1662, US



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This map is informational only. No representation is made or warranty given as to its content. User assumes all risk of use. MapQuest and its suppliers assume no responsibility for any loss or delay resulting from such use.

Exhibit C

Patterson Belknap Webb & Tyler LLP

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June 5, 2006

By E-Mail and Mail Confirmation

Robert E. Purcell, Esq.
Wall Marjama & Bilinski LLP
101 South Salina Street, Suite 400
Syracuse, NY 13202

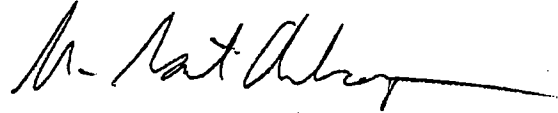
Michael D. Sant'Ambrogio
(212) 336-2436
Direct Fax (212) 336-7948
mdsantambrogio@pbwt.com

Re: Haritatos v. Hasbro

Dear Bob:

I am enclosing the additional witness fees for Sharon Haritatos and Olga Haritatos that you requested. We would have had these to you sooner but for an error on the part of our accounting department, which required that Olga Haritatos's check be re-issued.

Sincerely yours,



Michael D. Sant'Ambrogio

cc: John G. McGowan, Esq. (by e-mail)